

## **II. REMARKS/ARGUMENTS**

### **A. Status of the Claims**

Claims 1-5 and 16-21 are currently pending. Claims 1 and 16 have been amended without prejudice. Claims 6-15 were previously withdrawn and have been cancelled without prejudice. Applicants acknowledge with appreciation the Examiner's indication that claims 2-5 and 18-20 are allowable if rewritten in independent form.

### **B. Rejection under 35 U.S.C. 103 (a)**

In the Office Action the Examiner rejected claims 1, 16, 17, and 21 under 35 U.S.C. 103(a) as being unpatentable over Bergmann et al. in view of US 4,241,064 (hereinafter "the '064 patent") and GB 1,301,754 (hereinafter "the '754 patent"). The Examiner stated that "Bergman et al. teaches 3,8-dimethyl hypoxanthine as an inhibitor of xanthine oxidase since it reduces the oxidation of hypoxanthine by xanthine oxidase" and that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to formulate 3,8-dimethyl-hypoxanthine into pharmaceutical compositions such as tablet capsule and suspension" in view of the secondary references which describe the xanthine oxidase inhibitors described therein useful for treating gout.

This rejection is respectfully traversed. Independent claims 1, 17 and 21 of the present invention recite pharmaceutical compositions comprising the disclosed compound "in an effective amount to inhibit the PDE-IV enzyme upon administration to a human patient."

It is respectfully submitted that Bergmann et al. is directed to the influence of the compounds described therein on the oxidation of hypoxanthine and 6-thioxopurine by bovine milk xanthine oxidase. Bergmann et al. do not teach or suggest that the compounds described therein are useful to inhibit the PDE-IV enzyme. Further, Bergmann et al. do not report any clinical trials; do not provide any indication that the compounds therein were ever administered to humans; and do not teach or suggest any useful dosage to inhibit xanthine oxidase (or any

other use, e.g., inhibition of the PDE-IV enzyme) in a human subject. Accordingly, it is respectfully submitted that Bergmann et al. do not teach or suggest the presently claimed pharmaceutical compositions comprising the recited compound "in an effective amount to inhibit the PDE-IV enzyme upon administration to a human patient."

Further, it is respectfully submitted that one of ordinary skill in the art would not be motivated to combine Bergmann et al., with either the '064 patent or the '754 patent as these references describe different compounds having different chemical structures than Bergmann et al. Bergmann et al. is directed to the influence of 8-substituents on the oxidation of hypoxanthine and 6-thioxopurine compounds by bovine milk xanthine oxidase, while the '064 patent which is directed to 1-substituted-9H-pyrido[3,4-b]indole derivatives and the '754 patent which is directed to trifluoromethylimidazoles. For example, allopurinol (which is described in the '754 patent and cited by the Examiner) has the chemical name 1,5-dihydro-4H-pyrazolo[3,4-d]pyrimidin-4-one, and is a different compound having a different structure than the compounds of Bergmann et al. Further, there is no indication from the in-vitro analysis of Bergmann et al. that the compounds therein would provide a beneficial effect when administered to a human subject. Therefore, it is respectfully submitted that one of ordinary skill in the art would not be motivated to combine Bergmann et al. with the '064 patent and the '754 patents.

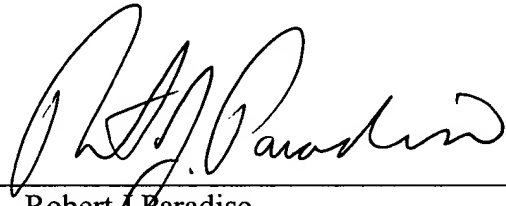
Accordingly, it is respectfully requested the obviousness rejection over Bergmann et al. in view of the '064 patent and the '754 patent over independent claims 1, 17, 21 and their dependent claims be removed.

### **III. CONCLUSION**

Applicants believe that the above-referenced rejections have been obviated and respectfully request that the rejections be withdrawn. Applicants believe that all claims are now in condition for allowance.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance prosecution of the present application. An early and favorable action is earnestly solicited.

Respectfully submitted,  
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